

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 4/21/03.

I. DISPUTE

Whether there should be additional reimbursement for acromioplasty - 23130 dated 6/10/02 and reduced by the respondent per Medical Fee Guideline.

II. RATIONALE

On 6/10/02, the requestor performed an arthroscopy of the shoulder, closed the wound, repositioned the patient and performed, through a new incision, an acromioplasty and claviclectomy.

The Medical Fee Guideline, Surgery Ground Rules (I)(D)(c) states, "Secondary or subsequent procedures performed in remote areas that are unrelated to the primary procedure and requiring additional preparation shall be reimbursed at the lesser of the provider's usual and customary fee or 100% of the MAR.

The initial arthroscopic surgery was the primary procedure for the first incision. The acromioplasty was the primary procedure for the second incision. The claviclectomy falls under the MFG, Surgery Ground Rules (I)(D)(b) as a secondary procedure and was paid properly at 50% of the MAR for "secondary or subsequent procedures performed through the same incision and related to the primary procedure..."

On this basis, the disputed acromioplasty, per MFG, MGR (I)(D)(c) should have been paid at 100% of MAR. Additional reimbursement is recommended.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for 23130 in the amount of **\$404.50**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby **ORDERS** the Respondent to remit **\$404.50** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 22nd day of January 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division